

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES GEETER,

Petitioner,

v.

Civil No. 5:17-CV-11510

HONORABLE JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

DANIEL LESATZ,

Respondent,

**ORDER DIRECTING THE CLERK OF THE COURT TO TRANSFER THE
APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS ON
APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT**

On May 3, 2018, the Court denied the petition for writ of habeas corpus, declined to issue a certificate of appealability, and denied petitioner leave to appeal *in forma pauperis*.

On May 30, 2018, petitioner filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. On the same day, petitioner filed an application to proceed without prepaying fees or costs on appeal. For the reasons stated below, the Court orders that this application be transferred to the United States Court of Appeals for the Sixth Circuit.

A notice of appeal generally “confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985)(citing

Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)(per curiam));
Workman v. Tate, 958 F. 2d 164, 167 (6th Cir. 1992). Petitioner’s notice of appeal divests
this Court of jurisdiction to consider his motion that he be permitted to proceed *in forma*
pauperis in the Sixth Circuit Court of Appeals. *See Johnson v. Woods*, No. 5:12–11632;
2013 WL 557271, * 2 (E.D. Mich. February 13, 2013); *Glick v. U.S. Civil Service Com’n*,
567 F. Supp. 1483, 1490 (N.D. Ill. 1983); *Brinton v. Gaffney*, 560 F. Supp. 28, 29-30
(E.D. Pa. 1983). Because jurisdiction of this action was transferred from the district court
to the Sixth Circuit Court of Appeals upon the filing of the notice of appeal, petitioner’s
motion to proceed *in forma pauperis* on appeal would be more appropriately addressed to
the Sixth Circuit. *See Baker v. Perry*, No. 2:12–10424; 2012 WL 6097323, * 2 (E.D.
Mich. December 6, 2012).

IT IS HEREBY ORDERED that the Clerk of the Court transfer petitioner’s
“Application to Proceed Without Prepaying Fees and Costs on Appeal” [Dkt. # 33] to the
United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

s/John Corbett O’Meara
United States District Judge

Date: June 7, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of
record on this date, June 7, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager